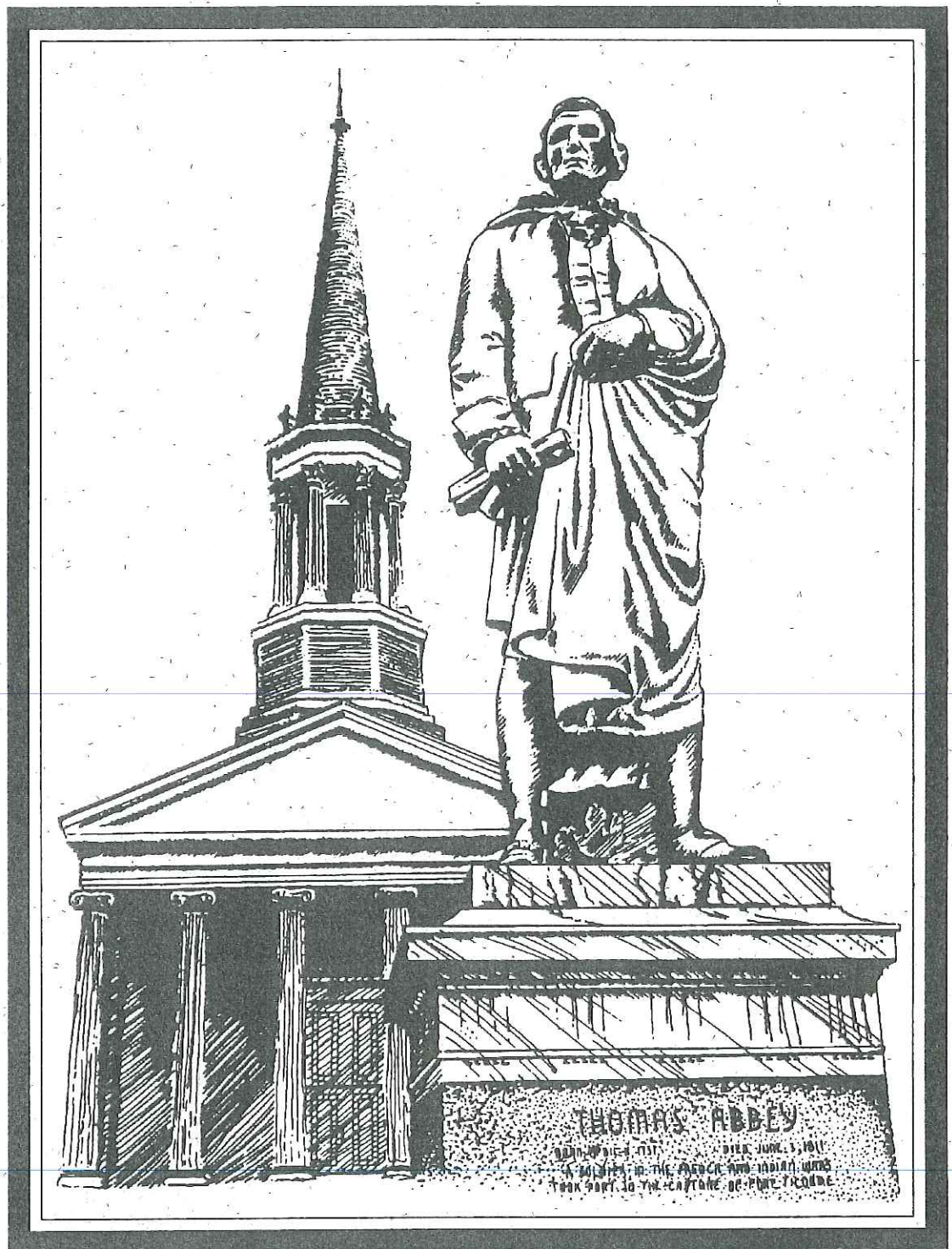


HISTORIC DISTRICT ESTABLISHED AUGUST 1972



# HISTORIC DISTRICT ORDINANCE

TOWN OF ENFIELD, CONNECTICUT

## **ORDINANCE**

### **CREATING AN HISTORIC DISTRICT WITHIN THE TOWN OF ENFIELD AND ESTABLISHING THE ENFIELD HISTORIC DISTRICT COMMISSION**

BE IT ORDAINED by the Town Council of the Town of Enfield, Connecticut,

THE TOWN OF ENFIELD hereby creates an Historic District within the Town of Enfield and establishes the Enfield Historic District Commission.

## **SECTION 1**

### **PURPOSE**

In order to promote the educational, cultural, economic and general welfare of the Town of Enfield through the preservation and protection of buildings and places of historic interest by the maintenance of such landmarks in the history of the Town, of the State and of the Nation, and through the development of appropriate settings for such buildings and places, a Historic District within the Town of Enfield as more particularly described in Section 2 of this Ordinance is hereby established pursuant to the provisions of Section 7-147a to 7-147k inclusive of the Public Acts of 1961 Connecticut General Statutes.

## **SECTION 2**

### **BOUNDARIES**

The boundaries of the proposed Historic District on Enfield Street are as follow:  
Bounded on the North by Route 190 and extending South on Enfield Street a little more than two miles to the approximate intersections of Oliver Road on the East and Old King Street on the West; but including house number 1489, owned by Thomas R. Smyth on the East; and house number 1503, owned by Herbert M. Carson on the West; these houses being of historic and architectural significance.

All homes, buildings and real property within the north to south boundary of said district aforementioned and bordering upon Enfield Street shall be included within the boundaries of said district. Said boundary shall extend East from the state highway markers on the east side of Enfield Street to the rear property line of said homes, buildings or real property bordering upon Enfield Street but in no event more than 250 feet east from said state highway markers. Said boundary to extend west from the state highway markers on the west side of Enfield Street to the rear of the property line of said homes, buildings, or real property bordering upon Enfield Street, but in no event more than 250 feet west from said state highway markers.



The following exceptions are made: The residence of Thomas Smyth at 1489 Enfield Street, 300 feet depth; the Orrin Thompson house only, in the Felician Sisters complex, 525 feet depth.

"Rear property line" shall mean the line delineated on the deed or map describing said home or real property and designating the furthest eastern or western point from Enfield Street.

Reference is hereby made to a map entitled "Enfield Historical District" which map is attached hereto and made part of this ordinance.

### **SECTION 3**

#### **ESTABLISHMENT OF HISTORIC DISTRICT COMMISSION**

The Enfield Historic District Commission hereinafter referred to as the Commission is hereby established. The Commission shall consist of five regular members who shall be appointed as provided in SECTION 4 of this Ordinance and three <sup>1</sup> alternate members who shall be appointed as provided in SECTION 5 of this Ordinance. Each regular and alternate member of the Commission shall be a resident elector of the Town of Enfield holding no salaried municipal office. Not less than three of the five regular members of the Commission shall be residents within the Historic District. The Commission shall possess the powers and perform the duties and functions of an Historic District Commission as provided in the Connecticut General Statutes and as more particularly set forth in this Ordinance. No regular or alternate member of this Commission shall receive any compensation for his service.

### **SECTION 4**

#### **APPOINTMENT OF REGULAR MEMBERS**

The Town Council shall, within sixty days after the adoption of this Ordinance appoint the five regular members of the Commission, one to serve for a period of one year commencing on the first day of September, 1972, one to serve for a term of two years commencing on the first day of September, 1972, one to serve for a term of three years commencing on the first day of September, 1972, one to serve for a term of four years commencing on the first day of September, 1972, and one to serve for a term of five years commencing on the first day of September, 1972. The Town Council shall, annually commencing in 1973, appoint one member to serve as a regular member of the Commission for a term of five years and until his successor is duly appointed. Any vacancy in the term of any member of the Commission shall be filled by appointment by the Town Council for the un-expired term.

---

<sup>1</sup> Amended alternates from two to three June 6, 1983

## **SECTION 5**

### **APPOINTMENT OF ALTERNATE MEMBERS**

The Town Council shall, within sixty days after adoption of this Ordinance appoint three<sup>2</sup> alternate members of the Commission, one for a term of four years commencing on September 1, 1972 and two for a term of five years commencing on September 1, 1972. The Town Council shall thereafter, as the term of each alternate member expires, appoint an alternate member of the Commission to serve for a term of five years and until his successor is duly appointed. Any vacancy occurring in the term of any alternate member of the Commission shall be filled by appointment by the Town Council for the un-expired term.

## **SECTION 6**

### **ORGANIZATION OF COMMISSION**

Within thirty days after the appointment of the members of the Commission they shall meet, organize, and, from the regular members of the Commission, elect a chairman, a vice-chairman, and a clerk. Thereafter annually during the month of September the Commission shall elect from among its regular members a chairman, a vice-chairman, and a clerk. Alternate members of the Commission shall not participate in any election of officers of the Commission. In all other matters, when a regular member of the Commission is unable to act because of absence, illness, or disqualification, he shall notify the chairman who shall forthwith designate one of the alternate members to serve in the place of such regular member and such alternate member shall thereupon exercise all the powers and duties of such regular member until the absence, illness, or disqualification of the regular member shall have been terminated.

## **SECTION 7**

### **POWERS OF THE COMMISSION**

The Commission shall exercise the powers and responsibilities imposed upon an Historic District Commission by the provisions of the Connecticut General Statutes. It shall fix the time and place of its regular meetings and may hold such special meetings as from time to time be required. The Commission shall keep a record of its proceedings, deliberations, and actions and shall annually report to the Town respecting its work. The Commission shall adopt rules of procedure not inconsistent with the provisions of the General Statutes and may, within the limit of appropriations made from the purpose by the Town, employ clerical and technical assistance or consultants. The presence of three regular members

---

<sup>2</sup> Amended alternates from two to three June 6, 1983



or, in the case of proper designation of an alternate or alternates as provided by the terms of this Ordinance, the presence of three regular and alternate members shall constitute a quorum.<sup>3</sup> No resolution or vote to adjourn or to fix the time and place of its next meeting shall be adopted by less than three affirmative votes.

## **SECTION 8**

### **CERTIFICATE OF APPROPRIATENESS**

No building or structure, including stone walls, fences, signs, light fixtures, steps, and paving or other appurtenant fixtures, shall be erected, altered, restored, moved, or demolished within the Historic District until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the Commission and approved by said Commission. "Exterior architectural feature" shall include the architectural style, general design, and general arrangement of the exterior of a structure including the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. The style, material, size and location of outdoor advertising signs and bill posters within the Enfield Historic District shall also be under the control of Commission.

## **SECTION 9**

### **APPLICATION FOR CERTIFICATE, HEARING, APPROVAL**

- (a) The Commission shall hold a public hearing upon each application for a certificate of appropriateness. Notice of the time and place of such hearing shall be given by publication in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the Town of Enfield at least seven days before such hearing. Within not more than sixty days after the filing of an application as required by SECTION 8 of this Ordinance the Commission shall pass upon such application and shall give written notice of its decision to the applicant. Evidence of approval, as required by SECTION 8 of this Ordinance shall be by certificate of appropriateness issued by the Commission. Failure of the Commission to act within sixty days shall constitute approval and no other evidence of approval shall be needed. The Commission shall keep a record of all applications for certificates of appropriateness and its actions with respect to each. The Commission's records and its written decision rendered on each such application shall specify the grounds for approval or denial.
- (b) In its deliberations, the Commission shall not consider interior arrangements or use and shall take no action except for the purpose of preventing the erection, reconstruction, restoration, alteration, or razing of buildings in the Enfield Historic District obviously incongruous with the historic aspects of the District.

---

<sup>3</sup> Amended quorum from four to three, June 6, 1983

## **SECTION 10**

### **CONSIDERATION IN DETERMINING APPROPRIATENESS**

If the Commission determines that the proposed erection, construction, restoration, alteration, or razing will be appropriate, it shall issue a certificate of appropriateness. In passing upon appropriateness, the Commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of other structures in the immediate neighborhood. A certificate of appropriateness may be refused for any building or structure, the erection, reconstruction, restoration, alteration, or razing of which, in the opinion of the Commission, would be detrimental to the interest of the Enfield Historic District.

## **SECTION 11**

### **VARIATIONS, PERMISSIBLE WHEN**

Where, by reason of topographical conditions, district borderline situations, immediately adjoining existing developments or because of other unusual circumstances, the strict application of the provisions of this Ordinance would result in exceptional practical difficulty or undue hardship upon the owner of any specific property, the Commission in passing upon applications shall have the power to vary or modify strict adherence to the provisions of this Ordinance or to interpret the meaning of this Ordinance so as to relieve such difficulty or hardship; provided such variance, modification, or interpretation shall remain in harmony with the general purpose and intent of the Ordinance so that the general character of the District shall be conserved and substantial justice done.

In granting variations, the Commission may impose such reasonable and additional stipulations and conditions as will, in its judgement, better fulfill the purpose of this Ordinance.

## **SECTION 12**

### **ACTION BY THE COMMISSION TO PREVENT ILLEGAL ACTS**

If any action or ruling taken by the Commission pursuant to the provisions of Section 7-147a to 7-147k, inclusive, of the Public Acts of 1961 or of this Ordinance has been violated, the Commission may, in addition to other such remedies, institute an action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, razing, maintenance, or use or to restrain, correct, or abate such violation or to prevent



the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Regulations and orders of the Commission issued pursuant to said sections of the Public Acts or of this Ordinance, shall be enforced by the Building Inspector of the Town of Enfield, who is hereby authorized to inspect and examine any building, structure, place, or premises to require in writing the remedying of any condition found to exist therein or thereon in violation of any provision of the regulations or orders made under the authority of said sections of the Public Acts or of this Ordinance. The owner or agent of any building or premises where such a violation has been committed or exists, or where the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the owner, agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or exists, or the owner, agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or exists, or the agent, architect, builder, contractor, or any other person who commits, takes part in or assists in any such violation or who maintains any building or premises in which any such violation exists, shall be fined not less than ten dollars nor more than one hundred dollars for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars nor more than two hundred fifty dollars for each day that such violation continues, and the circuit court wherein such violation continues or exists shall have jurisdiction of all such offenses, subject to appeal as in other cases. Each day that a violation continues to exist shall constitute a separate offense.

### **SECTION 13**

#### **APPEALS**

Any person or persons severally or jointly aggrieved by any decision of the Commission or of any officer thereof may, within fifteen days from the date when such decision was rendered, take an appeal to the Court of Common Pleas for Hartford County, which appeal shall be made returnable to such court in the same manner as that prescribed for civil actions brought to such court. Notice of such appeal shall be given by leaving a true and attested copy thereof in the hands of or at the usual place of abode of the chairman or clerk of the Commission within twelve days before the return day to which such appeal has been taken. Procedure upon such appeal shall be the same as that defined in Section 8-8 of the General Statutes of Connecticut ( Revision of 1958 ) as amended.

### **SECTION 14**

#### **EXEMPTED ACTS**

Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior feature in the Enfield Historic District which does not involve a change of design, material or the outward appearance thereof; nor to prevent the construction, reconstruction, alteration, or demolition of any such feature which the

Building Inspector certifies is required by the public safety because of an unsafe or dangerous condition; nor to prevent the construction, reconstruction, alteration, or demolition of any such feature under a permit issued by the Building Inspector prior to the effective date of establishment of the District.

---

### **AMENDMENTS:**

**1. June 6, 1983**

Proposed by: Request

Approved by: Robert J. Mulready, Town Manager

Reviewed by: William F. McDonald, Town Attorney

**SECTION 5** by Town Council. "Explanation: The change would allow three alternate members instead of two as the Ordinance is currently written."

**SECTION 7** by Town Council. "Explanation: The proposed change would allow three members to constitute a quorum instead of four as the Ordinance is currently written."

**Motion #5338** by Councilman Ryan, seconded by Chairman O'Connor to approve; adopted 9-1-0; Councilman D'Aleo against.